

Office Memorandum • UNITED STATES GOVERNMENT

TO : General Counsel

DATE: DEC 20 1957

FROM : Deputy Director of Security

SUBJECT: Revision of Section 143 of The Atomic Energy Act.

1. This Office has reviewed your proposed revision of Section 143 of The Atomic Energy Act of 1954, as amended, from the standpoint as to whether it would meet our requirements with respect to expeditious clearances for access to Restricted Data.

2. It is noted that the proposed amendment follows the wording of current Section 143 in that it grants authorization to specific categories of individuals to permit employees of the Department of Defense and members of the Armed Forces to have access to Restricted Data.

3. As discussed with [redacted] at the time the National Advisory Committee for Aeronautics submitted a similar proposed amendment, there is no specific authorization under current Section 143 or the proposed amendment permitting persons cleared under Section 143 to grant access to Restricted Data in their possession to other categories of persons cleared under Section 143 or to persons cleared under Section 145 b.

4. In view of past experiences with the strict interpretations of the Atomic Energy Commission, it is felt advisable to insure that Section 143 is so worded that there will be no doubt but what there may be a free interchange of Restricted Data among all parties concerned.

5. Attached for your consideration is a suggested revision of Section 143 which it is felt would resolve any question as to the intent for free interchange. However, if you feel it advisable to conform to the wording of current Section 143, it is suggested that the words "or this section" be inserted between the words "145 b" and "to permit" in the fourth line of your proposed amendment. Such insertion should permit free exchange between persons cleared under Section 143 and it is felt that the legislative history of the amendment could be developed to insure that persons cleared under Section 143 could permit access to persons cleared under Section 145 b.

6. If you would like to discuss this matter further, please advise.

PROPOSED REVISION OF SECTION 143
OF ATOMIC ENERGY ACT OF 1954

The Commission may authorize any employee of an Agency of the Department of Defense or of its contractors, or any member of the Armed Forces, or any employee of the Central Intelligence Agency to have access to any Restricted Data required in the performance of his duties and to discuss with or mutually exchange with any employees, or employees of any contractor, prospective contractor, licensee or prospective licensee of the Commission or any persons authorized access to Restricted Data by the Commission under the provisions of Section 145b or this section any Restricted Data in the possession of either required in the performance of his duties or in furtherance of research and development, military utilization, or intelligence activities in the field of Atomic Energy and so certified by the head of the appropriate agency of the Department of Defense or his designee or the Director of Central Intelligence or his designee: Provided, however, That the head of the appropriate agency of the Department of Defense or his designee or the Director of Central Intelligence or his designee, has determined, in accordance with the established personnel security procedures and standards of such agency, that permitting the member or employee to have access to such Restricted Data will not endanger the common defense and security: And provided further, That the Secretary of Defense or the Director of Central Intelligence finds that the established personnel and other security procedures and standards of such agency are adequate and in reasonable conformity to the standards established by the Commission under section 145.